REMARKS

Claim 30 was pending in the application and was rejected. Applicant has canceled claim 30 and added new claims 31-35. No new matter has been introduced. Support for the new claims can be found in Applicant's specification as published in United States Publication 2005/0144532, specifically at paragraphs [0007], [0008], [0025] - [0029]. Applicant respectfully requests allowance of new claims 31-35.

CLAIM REJECTIONS UNDER 35 USC §103

The Office Action finally rejected claim 30 under 35 USC 103(a) as being unpatentable over *Lenny et al.* (US 6,600,614), in further view of *Brothers et al.* (US 6,789,182), and in further view of *Lewis* (US 6,430,712).

Claim 30 has been canceled and new claim 31 has been added to clarify the subject matter which Applicant regards as the invention. The rejections to claim 30 will be addressed with respect to new claim 31. New claims 32-25 depend on new claim 31.

Claim 31 is not unpatentable over the cited references because none of the cited references teach or suggest a method that performs all of the steps as recited in claim 31.

Lenny's method for reporting failures on a disc drive fails to compute probability distributions for the probability that a critical event will occur given the occurrence of associated events. Lenny's method also fails to migrate a process away from a possible critical event before the event has occurred.

The Office Action states that Lenny and Brothers do "not teach but Lewis teaches the

method of dynamically filtering events based on a recorded history of information associated

with the occurrence of events such that only certain critical events that produce global interrupts

are reported to the system monitor." Lewis's method, however, falls short of dynamically

filtering events using an event mask based on a subset of events in order to migrate a process

away from a *potential* critical event. Lewis's method reports errors after the fact. See Lewis,

Col. 2, lines 40-41: "Alarms are generated to inform an external entity that an event **has**

occurred or requires attention." [emphasis added]

Therefore, Applicant respectfully request reconsideration of the new claims as

presented and allowance thereof.

Respectfully submitted,

/Michael J. Buchenhorner/
Michael J. Buchenhorner
Reg. No. 33,162

E-filed on Date: <u>October 30, 2008</u>

Michael Buchenhorner, P.A.
8540 S.W. 83 Street
Miami, Florida 33143
(305) 273-8007 (voice)
(305) 595-9579 (fax)